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PATENT
Customer No. 22,852
Attorney Docket No. 08888.0517-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Francis BLANCHE *et al.*) Group Art Unit: 1635
Serial No.: 10/812,912) Examiner: B. Whiteman
Filed: March 31, 2004) Confirmation No. 5703
For: COMPOSITION FOR THE)
PRESERVATION OF)
INFECTIOUS RECOMBINANT)
ADENOVIRUSES)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office action mailed December 21, 2005, Applicants submit the following remarks.

The Office requires an election of a disclosed species of buffer solution and a disclosed species of adjuvant for prosecution on the merits. Office Action, page 2.

According to the Office, claim 10 is generic and includes patentably distinct species of buffer solution. *Id.* The Office requires an election between (a) Tris or lysine and an acid chosen from a strong or weak base, and (b) Hepes and a strong base. *Id.*

Claims 10 and 17 are also said to be generic and include patentably distinct adjuvants. *Id.* The Office requires Applicants to make an election among a polymer, a sugar, and an alcohol. *Id.*

Applicants elect, with traverse and for initial search purposes only, a buffer that is "(a) Tris or lysine and an acid chosen from a strong or weak base," and an adjuvant that is "a polymer."

Claims 10-19 read on the elected species.

Applicants traverse the requirement at least because the Office has previously fully considered these same buffers and adjuvants in parent application 09/970,663. Accordingly, there is no undue search burden associated with considering all of the recited species. Should the Office maintain the requirement, however, Applicants respectfully request the Office fully consider the additional species upon the allowance of the generic claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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Dated: January 10, 2006

By: 

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